

**REMARKS**

Claims 1-3 are pending. By this amendment, claim 1 is amended and claims 2-3 are added.

The Office Action objects to the drawings because of informalities. Withdrawal of the objection is respectfully requested in view of the amendments to the specification to include the reference numbers indicated to be absent.

The Office Action objects to the abstract because it does not reflect the current claimed invention of claim 1. The abstract is amended accordingly. Withdrawal of the objection is requested.

The Office Action objects to text in the specification. Withdrawal of the objection is respectfully requested in view of the substitute specification submitted herewith and including a marked-up copy and a "clean" copy. The substitute specification contains no new matter.

Claim 1 was rejected under 35 USC 103(a) as being unpatentable over Upp et al. (US 4,967,405) ("Upp") in view of Tomizawa et al. (US 5,574,717) ("Tomizawa"). The Applicant respectfully traverses. The cited references do not support the asserted rejection for at least the reason that they do not teach or suggest "a controller portion which gives an instruction on whether an error correction coding process should be conducted upon a signal to be transmitted," as recited in claim 1.

Instead, Upp only discloses technologies relating to conversion between different signal formats, e.g., DS<sub>n</sub>, CEPT, SONET, etc. There is no disclosure of a transmission apparatus enabling the selection of whether an error correction coding process should be conducted on a signal to be transmitted, as by contrast is defined in present claim 1.

Tomizawa does not remedy deficiencies in Upp. Tomizawa relates to technology for conducting FEC (Forward Error Correction) on the multiple section layers of an SDH signal, upon the basis or assumption of maintaining the SDH signal format. However, Tomizawa is also

silent concerning a transmission apparatus enabling the selection of whether an error correction coding process should be conducted on a signal to be transmitted, as defined in present claim 1.

Note is taken of the Examiner's comments in lines 3-6, page 6 of the Office Action:

"However Upp does not explicitly teach the specific use of error correcting coded for the BIP-8 B1 parity code taught in Upp (col. 11, lines 38-40 in Upp). Tomizawa, in an analogous art, teaches the specific use of error correcting codes for BIP-8 B1 parity code (col. 12, lines 32-35 in Tomizawa)."

However, a BIP-8 B1 parity code as in Tomizawa is a parity checking code. Using such a code, although it is possible to check for the presence of an error, it is not possible to correct the error detected. Further, since BIP-8 is a standard format which is determined in accordance with a regulation ANSI T1.105, there is a necessity of conducting an encoding (i.e., adding the BIP-8) on a transmitter side. Further, there is no suggestion of controlling ON/OFF of the processing of BIP-8.

Further, in the processing of a BIP-8 B1 parity code, a calculation result of the BIP-8 of a previous frame is inserted at a BIP-8 byte position of a next frame in the transmitter side, while the calculation result of BIP-8 of the previous frame is compared with the BIP-8 byte of the next frame in the receiver side. Namely, even assuming ON/OFF processing is controlled in a BIP-8 calculation process, it is impossible to generate a delay upon the signal itself.

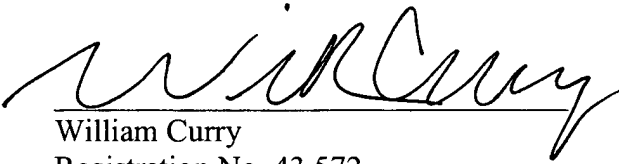
In view of the foregoing discussion, withdrawal of the rejection of claim 1 as unpatentable over Upp and Tomizawa is respectfully requested. New claims 2 and 3 are allowable over Upp and Tomizawa for at least the reason that they include the features of claim 1 by dependency thereon.

The Applicant respectfully submits in light of the above that the present application is in all aspects in allowable condition. Favorable reconsideration and early issuance of a Notice of Allowance are therefore respectfully requested.

The Office is authorized to charge any additional fees under 37 C.F.R. § 1.16, § 1.17, or § 1.136, or credit of any overpayment, to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

Dated:

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